

AMENDED IN SENATE APRIL 13, 2000

SENATE BILL

No. 1770

Introduced by Senator Chesbro

February 23, 2000

An act to ~~amend Sections 5020.1, 5402, 5600.5, 5600.6, and 5600.7 of, and to add Section 5600.8 to,~~ the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1770, as amended, Chesbro. Mental health: ~~aftercare plans~~ *client and family member empowerment programs*.

(1) Existing law, the ~~Lanterman-Petris-Short Act,~~ authorizes the involuntary detention for evaluation of persons who are dangerous to self or others, or gravely disabled, as defined. Existing law requires a mentally ill minor, between the ages of 3 and 18 years, upon being considered for release from a state hospital, to have an aftercare plan developed.

This bill would expand this requirement to include any person with mental disabilities and would specify the content of the aftercare plan.

(2) Existing law requires the State Department of Mental Health to collect and publish annually quantitative information concerning the operation of state and county mental health programs and to make these reports available to medical, legal, and other professional groups involved in the implementation of these programs.

This bill would require the department also to make these reports available to the Legislature and to the public upon request.

~~(3) Existing~~

Existing law, the Bronzan-McCorquodale Act, provides for the organization and finance of community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. ~~Existing law establishes a minimum array of services for children and youth, adults, and older adults meeting certain target population criteria.~~

This bill would require each child or youth, adult, and older adult receiving services under the act to have a service plan developed that includes the services and supports necessary to meet the housing, therapeutic, and other needs of the client. The bill would also require that each adult and older adult client be provided with information and, when requested by the client, assistance in developing an advance directive for mental health treatment. The imposition of these new requirements on counties would create a state-mandated local program.

~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would require, in any year in which funds are provided for this purpose in the annual Budget Act, the State Department of Mental Health, pursuant to a request-for-proposal process, to provide grants to county mental health departments for mental health client and family member empowerment programs that meet criteria specified in the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~yes~~ *no*.

The people of the State of California do enact as follows:

~~SECTION 1. Section 5020.1 of the Welfare and~~

SECTION 1. (a) The Legislature finds and declares all of the following:

(a) Persons with mental disabilities and their family members make significant contributions to the development of a high-quality and cohesive mental health system in California.

(2) The delivery of appropriate mental health services and supports to persons with mental disabilities is improved by the involvement of clients and family members in the development of treatment and service plans.

(3) The effectiveness of mental health treatment and services is enhanced when clients and family members are afforded choices about methods of delivery.

(4) The participation of clients and family members in the mental health system is improved through peer supports.

(5) Access to information is necessary to ensure that clients and family members participate in the mental health system to their fullest capacity.

(b) It is the intent of the Legislature to improve the role and leadership of mental health system clients and their family members in the development, implementation, and oversight of mental health policies in California, as well as the exercise of consumer choice in the determination of mental health treatment and service programs.

SEC. 2. Section 5600.8 is added to the Welfare and Institutions Code, to read:

5600.8. (a) The department shall issue a request for proposals in order to establish and expand empowerment programs for mental health clients and their family members by not later than October 1 in any year in which funds are provided in the annual Budget Act for this purpose. The department shall make grants to county mental health departments on the basis of proposals meeting the criteria set forth in this section.

1 (b) Proposals solicited pursuant to subdivision (a) may
2 be submitted by any county mental health department,
3 and shall include all of the following:

4 (1) A description of how the proposal will result in the
5 establishment, expansion, or improvement of training,
6 information, and referral services for clients and family
7 members.

8 (2) A description of how the proposal will result in the
9 establishment, expansion, or improvement of the role of
10 clients and family members in local policy development,
11 implementation, and oversight activities.

12 (3) A description of how the proposal will result in the
13 establishment, expansion, or improvement of the use of
14 clients and family members in staff positions within the
15 department.

16 (4) A description of how the proposal will result in the
17 establishment or expansion of self-help and other
18 client-run programs.

19 (5) A description of how the proposal will result in the
20 establishment of family-to-family support activities.

21 (6) A description of how the proposal will result in
22 improved decisionmaking and choices for clients and
23 family members.

24 (c) A proposal submitted pursuant to subdivision (b)
25 shall describe how clients and family members played a
26 substantive role in the development of the proposal.

27 (d) Proposals submitted pursuant to subdivision (b)
28 shall describe how the county will continue to implement
29 their client and family member empowerment plan after
30 the state grant funding authorized by this section is
31 terminated.

32 Institutions Code is amended to read:

33 ~~5020.1. A person with mental disabilities, upon being~~
34 ~~considered for release from a state hospital, shall have an~~
35 ~~aftercare plan developed. This plan shall be developed~~
36 ~~jointly by the appropriate hospital staff, the client, family~~
37 ~~members and friends, and when appropriate,~~
38 ~~representatives from the county mental health~~
39 ~~department and providers of services and supports to be~~
40 ~~provided in the community upon release, and shall~~

1 ~~include the services and supports necessary to meet the~~
2 ~~housing, therapeutic, employment, educational, or~~
3 ~~training needs, provided these are necessary for the~~
4 ~~patient's well-being. The plan shall identify the provider~~
5 ~~of each listed service or support.~~

6 ~~SEC. 2. Section 5402 of the Welfare and Institutions~~
7 ~~Code is amended to read:~~

8 ~~5402. (a) The State Department of Mental Health~~
9 ~~shall collect and publish annually quantitative~~
10 ~~information concerning the operation of this division~~
11 ~~including the number of persons admitted for 72-hour~~
12 ~~evaluation and treatment, 14-day and 30-day periods of~~
13 ~~intensive treatment, and 180-day postcertification~~
14 ~~intensive treatment, the number of persons transferred~~
15 ~~to mental health facilities pursuant to Section 4011.6 of~~
16 ~~the Penal Code, the number of persons for whom~~
17 ~~temporary conservatorships are established, and the~~
18 ~~number of persons for whom conservatorships are~~
19 ~~established in each county.~~

20 ~~(b) Each local mental health director, and each facility~~
21 ~~providing services to persons pursuant to this division,~~
22 ~~shall provide the department, upon its request, with any~~
23 ~~information, records, and reports which the department~~
24 ~~deems necessary for the purposes of this section. The~~
25 ~~department shall not have access to any patient name~~
26 ~~identifiers.~~

27 ~~(c) Information published pursuant to this section~~
28 ~~shall not contain patient name identifiers and shall~~
29 ~~contain statistical data only.~~

30 ~~(d) The department shall make the reports available~~
31 ~~to the Legislature, to medical, legal, and other~~
32 ~~professional groups involved in the implementation of~~
33 ~~this division, and to the public upon request.~~

34 ~~SEC. 3. Section 5600.5 of the Welfare and Institutions~~
35 ~~Code is amended to read:~~

36 ~~5600.5. (a) The minimum array of services for~~
37 ~~children and youth meeting the target population criteria~~
38 ~~established in subdivision (a) of Section 5600.3 should~~
39 ~~include the following modes of service in every~~
40 ~~geographical area, to the extent resources are available:~~

1 ~~(1) Precrisis and crisis services.~~

2 ~~(2) Assessment.~~

3 ~~(3) Medication education and management.~~

4 ~~(4) Case management.~~

5 ~~(5) Twenty-four-hour treatment services.~~

6 ~~(6) Rehabilitation and support services designed to~~
7 ~~alleviate symptoms and foster development of age~~
8 ~~appropriate cognitive, emotional, and behavioral skills~~
9 ~~necessary for maturation.~~

10 ~~(b) Each child or youth client receiving services and~~
11 ~~supports under this part shall have a service plan that is~~
12 ~~developed jointly by the client, family members, and~~
13 ~~representatives from the county mental health~~
14 ~~department and providers of services and supports. The~~
15 ~~plan shall include the services and supports necessary to~~
16 ~~meet the housing, therapeutic, educational, or training~~
17 ~~needs of the client. The plan shall identify the provider~~
18 ~~of each listed service or support.~~

19 ~~SEC. 4. Section 5600.6 of the Welfare and Institutions~~
20 ~~Code is amended to read:~~

21 ~~5600.6. (a) The minimum array of services for adults~~
22 ~~meeting the target population criteria established in~~
23 ~~subdivision (b) of Section 5600.3 should include the~~
24 ~~following modes of service in every geographical area, to~~
25 ~~the extent resources are available:~~

26 ~~(1) Precrisis and crisis services.~~

27 ~~(2) Assessment.~~

28 ~~(3) Medication education and management.~~

29 ~~(4) Case management.~~

30 ~~(5) Twenty-four-hour treatment services.~~

31 ~~(6) Rehabilitation and support services.~~

32 ~~(7) Vocational services.~~

33 ~~(8) Residential services.~~

34 ~~(b) Each adult client receiving services and supports~~
35 ~~under this part shall have a service plan that is developed~~
36 ~~jointly by the client, family members and friends, and~~
37 ~~when appropriate, representatives from the county~~
38 ~~mental health department and providers of services and~~
39 ~~supports. The plan shall include the services and supports~~
40 ~~necessary to meet the housing, therapeutic, educational,~~

1 ~~or training needs of the client. The plan shall identify the~~
2 ~~provider of each listed service or support.~~

3 ~~SEC. 5. Section 5600.7 of the Welfare and Institutions~~
4 ~~Code is amended to read:~~

5 ~~5600.7. (a) The minimum array of services for older~~
6 ~~adults meeting the target population criteria established~~
7 ~~in subdivision (b) of Section 5600.3 should include the~~
8 ~~following modes of service in every geographical area, to~~
9 ~~the extent resources are available:~~

10 ~~(1) Precrisis and crisis services, including mobile~~
11 ~~services.~~

12 ~~(2) Assessment, including mobile services.~~

13 ~~(3) Medication education and management.~~

14 ~~(4) Case management, including mobile services.~~

15 ~~(5) Twenty-four-hour treatment services.~~

16 ~~(6) Residential services.~~

17 ~~(7) Rehabilitation and support services, including~~
18 ~~mobile services.~~

19 ~~(b) Each older adult client receiving services and~~
20 ~~supports under this part shall have a service plan that is~~
21 ~~developed jointly by the client, family members and~~
22 ~~friends, and when appropriate, representatives from the~~
23 ~~county mental health department and providers of~~
24 ~~services and supports. The plan shall include the services~~
25 ~~and supports necessary to meet the housing, therapeutic,~~
26 ~~and training needs of the client. The plan shall identify~~
27 ~~the provider of each listed service or support.~~

28 ~~SEC. 6. Section 5600.8 is added to the Welfare and~~
29 ~~Institutions Code, to read:~~

30 ~~5600.8. Each adult and older adult client receiving~~
31 ~~services under this part shall be provided with~~
32 ~~information and, when requested by the client, assistance~~
33 ~~in developing an advance directive for mental health~~
34 ~~treatment.~~

35 ~~SEC. 7. Notwithstanding Section 17610 of the~~
36 ~~Government Code, if the Commission on State Mandates~~
37 ~~determines that this act contains costs mandated by the~~
38 ~~state, reimbursement to local agencies and school~~
39 ~~districts for those costs shall be made pursuant to Part 7~~
40 ~~(commencing with Section 17500) of Division 4 of Title~~

~~1 2 of the Government Code. If the statewide cost of the~~
~~2 claim for reimbursement does not exceed one million~~
~~3 dollars (\$1,000,000), reimbursement shall be made from~~
~~4 the State Mandates Claims Fund.~~

